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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

January 23, 2001

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**Via Hand Delivery**

Magalie R. Salas  
Secretary  
Federal Communications Commission  
445 Twelfth Street, S.W., Room TW-A325  
Washington, D.C. 20554

CLIENT NO. 43209-84672

Re: Petition for Rulemaking by  
IDAHO BROADCASTING CONSORTIUM, INC. to amend the  
FM Table of Allotments, Section 73.202(b)  
(Pinesdale, Montana and McCall, Idaho)

Dear Ms. Salas:

Transmitted herewith, on behalf of IDAHO BROADCASTING CONSORTIUM, INC., is an original and four copies of its PETITION FOR RULEMAKING to amend the FM Table of Allotments to allot Channel 294C1 to Pinesdale, Montana, as that community's first local aural service, and modify the construction permit BPH-19971023MD, McCall, Idaho (Facility ID 89040) accordingly.

Should further information be desired in connection with this matter, kindly communicate directly with this office.

Very truly yours,

  
Laura A. Otis

Attachment

cc (w/attachment): Mr. Frederic W. Constant  
Mr. Melvyn Lieberman

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**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C., 20554**

**JAN 23 2001**

**FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY**

In the Matter of )  
 )  
Amendment of Section 73.202(b) )  
FM Table of Allotments, )  
(Pinesdale, Montana and McCall, Idaho) )

MM Docket No. \_\_\_\_\_  
RM No. \_\_\_\_\_

To: Chief, Allocations Branch  
Policy and Rules Division  
Mass Media Bureau

**PETITION FOR RULEMAKING**

**IDAHO BROADCASTING CONSORTIUM, INC. ("IBC")**, by its attorney and pursuant to Section 1.1420(i) of the Commission's Rules, hereby petitions the Commission to institute a rulemaking proceeding for the purpose of amending the FM Table of Allotments (Section 73.202(b) of the Commission's Rules) to allot Channel 294C1 to Pinesdale, Montana, as that community's first local aural service, and to modify IBC's construction permit authorization BPH-19971023MD, McCall, Idaho (Facility ID 89040) accordingly, pursuant to *Modification of FM and TV Authorizations to Specify a New Community of License*, 4 FCC Rcd 4870 (1989), *recon. granted in part*, 5 FCC Rcd 7094.

As demonstrated below, grant of this re-allotment proposal would be consistent with the Commission's FM allotment priorities, and Section 307(b) of the Communications Act, which requires the Commission to provide a "fair, efficient and equitable distribution of radio service" to the various states and communities within them. *See Revision of FM Assignment Policies and Procedures*, 90 FCC 2d 88, 92 (1982).

The proposed re-allotment would be as follows:

<u>City</u>	<u>Present</u>	<u>Proposed</u>
McCall, Idaho	252C1, 266C1, 294C1	252C1, 266C1
Pinesdale, Montana	None	294C1

In support hereof, IBC respectfully submits the following:

1. The town of Pinesdale, Montana is an incorporated community with a 1990 U.S. Census population of 670 residents, and an estimated current population of 1,052. *See League of Women Voters of Ravalli County, Ravalli County Citizen Handbook: A Guide to Local Government*, p. 25 (2000) (hereinafter “*Citizen Handbook*”) (attached as Exhibit A). Pinesdale is located in Ravalli County’s Bitterroot Valley, near the Bitterroot National Forest, on the west-central edge of Montana. The residents of Pinesdale are fundamental Mormons, forming an exceptionally cohesive, close-knit community focused on religion-based activities. In this regard, many in the Bitterroot Valley area refer to the community of Pinesdale as “The Ranch.”
2. The residents of Pinesdale are heavily involved in their community’s political, social and economic affairs, and play a significant role in their local government. As described in the *Citizen Handbook*, Pinesdale has adopted a Town Meeting form of government, which encourages such broad participation.
3. Pinesdale has its own police and fire departments, as well as its own post office and zip code (59841). It also has a private school, Pines Academy, serving kindergarten through eighth-grade students, and a town library located on the grounds of Pines Academy.
4. In addition, Pinesdale has a water treatment facility (Pinesdale Water Department, 1200 W 30, Pinesdale, MT 59841), and various businesses. According to a business development officer at the Montana Community Development Corporation, Pinesdale residents operate construction, carpentry, and other businesses from their homes.

5. These facts demonstrate that Pinesdale is a *bona fide* community and merits an FM allotment.

6. The attached Engineering Statement (Exhibit B) demonstrates that Channel 294C1 can be allotted to Pinesdale at coordinates N 46-10-07, W 114-17-06 without violating the Commission's separation rules.

7. Moreover, as noted in the Engineering Statement, the reallocation of Channel 294CI from McCall to Pinesdale will not leave McCall without FM service. Two FM stations, KDZY-FM and KMCI-FM, serve the community of McCall.

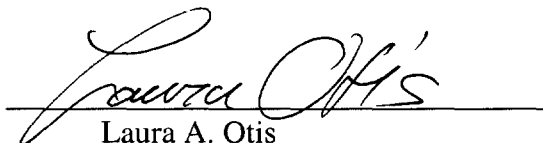
8. If this petition is granted, IBC will file an application for modification of the construction permit BPH-19971023MD to construct and operate the FM facility on Channel 294C1, at Pinesdale, Montana.

WHEREFORE, in light of the foregoing, IBC respectfully requests the Commission to GRANT this petition for rulemaking, AMEND the FM Table of Allotments, and ALLOT Channel 294C1 at Pinesdale, Montana, as that community's first local aural service.

Respectfully submitted,

**IDAHO BROADCASTING CONSORTIUM, INC.**

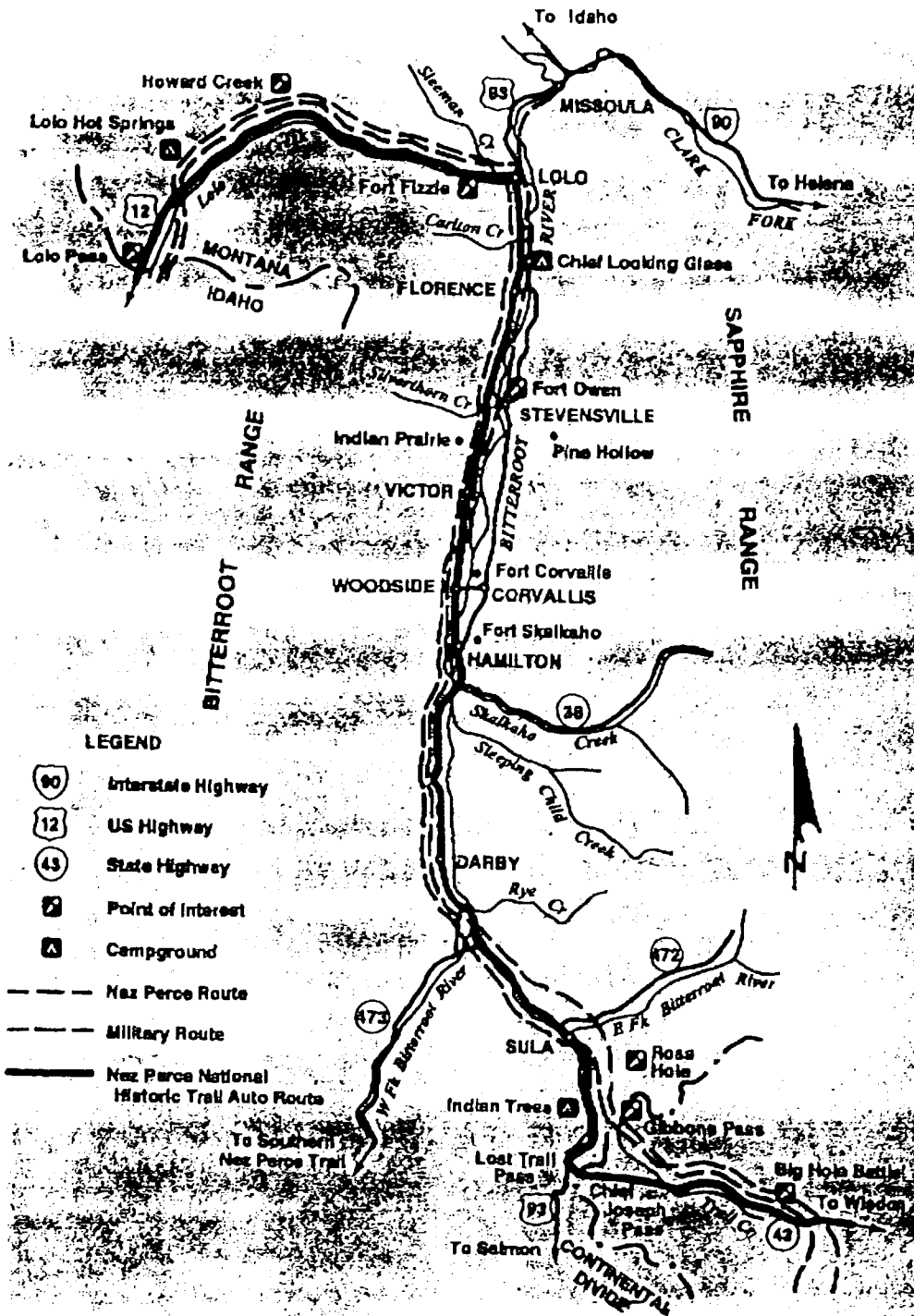
BY:

  
Laura A. Otis  
Its Attorney

**ROSENMAN & COLIN LLP**  
805 15<sup>TH</sup> Street, N.W., 9<sup>th</sup> Floor  
Washington, D.C. 20005-2212  
Tel: 202-216-4653; Fax: 202-216-4700

Dated: January 23, 2001

## EXHIBIT A

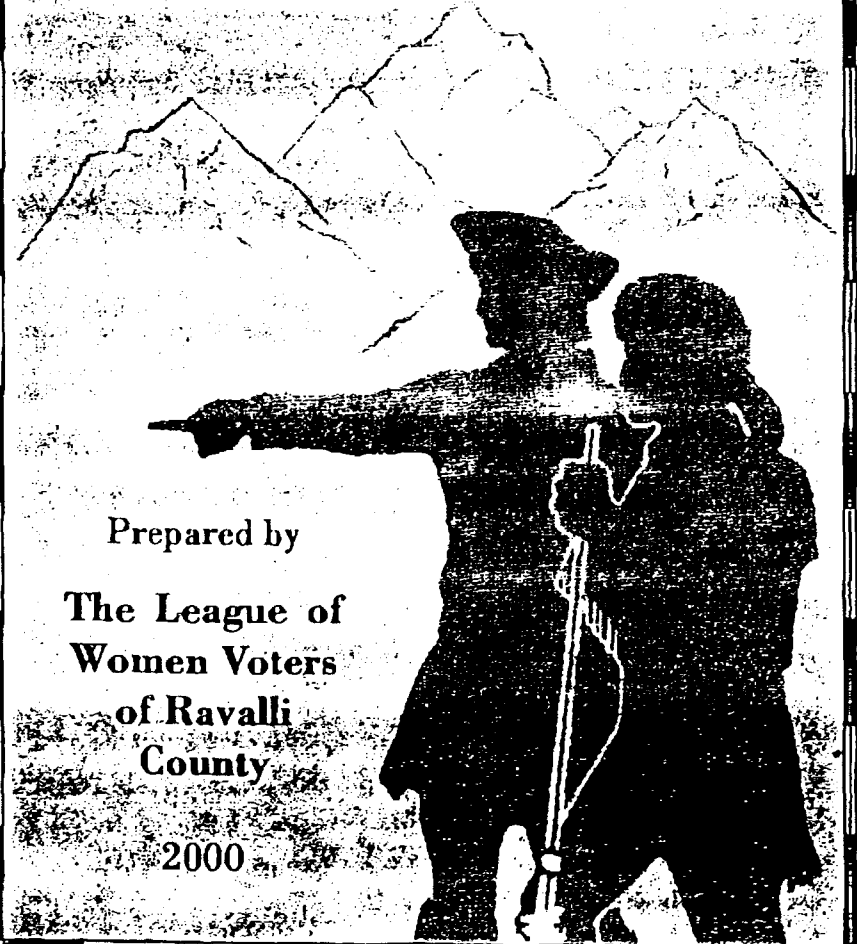


# RAVALLI COUNTY

## CITIZEN

## HANDBOOK

*A Guide to Local Government*



Prepared by

The League of  
Women Voters  
of Ravalli  
County

2000

expense and \$30 for placement of the stone is paid by the county where the deceased last resided. The Veteran's Bureau may be contacted at the County Commissioner's office.

## INCORPORATED MUNICIPALITIES

The four incorporated municipalities in Ravalli County are Hamilton, Stevensville, Darby and Pinesdale. Incorporation enables a municipality to enact ordinances to govern its territory, to levy taxes to support its responsibilities, and to provide police protection.

With the exception of Pinesdale, these communities operate under the mayor-city council form of government. The mayor is elected for a four-year term. To qualify for this position the candidate must be at least 21 years old and have been a resident of the town or city for at least two years.

**Hamilton**, the largest town with an estimated population (2000) of 4,829 is the county seat. The town was founded by Marcus Daly in the late 1880's, and was named for James T. Hamilton who surveyed the original town site. Marcus Daly was one of the Copper Kings, the owner of the finest racing stables ever known in Montana, and also the originator of an elaborate irrigation system he eventually hoped to extend throughout the valley.

Hamilton was incorporated July 14, 1894, and now operates under a mayor-council form of government meeting twice monthly. Hamilton has a police force, volunteer fire department, water and sewer, garbage disposal, public library, municipal swimming pool, hospital and ambulance service, museum, cemetery and a number of parks. It is the home of the Rocky Mountain Laboratory of the United States Public Health Service, and the office of the Supervisor of the Bitterroot National Forest.

**Stevensville**, (pop. 2,187, 2000) the oldest community in the state of Montana, was founded in 1863 by John K. Houk, who named his settlement after Governor Isaac A. Stevens of Washington Territory.

It was primarily an agricultural and trading center. The W.E. Bass family started experimenting with various fruit crops at that time.

Stevensville was incorporated Dec. 4, 1899 and now has a mayor-council form of government which meets twice monthly and provides the following services: water, sewer, public library, municipal swimming pool, town marshal, volunteer fire department, museum, cemetery and airport.

**Darby**, (pop. 1,089, 2000) was first settled in 1882. In 1888 the name Harrison was proposed for the settlement, but rejected when it was discovered that there was another Harrison in Montana. The acting postmaster, James Darby, sent his own name in as a substitute, and it became the accepted name.

The six member City Council meets on the first and fourth Tuesday at 6 p.m. in the Town Hall. Darby has five regular employees. Services provided by the town include: water, sewer, a library and a cemetery. The Darby Pioneer Museum, three city parks, three baseball fields and one softball field are maintained by the town. The volunteer fire department serves Darby and the surrounding area.

**Pinesdale**, (pop. 1,052, 2000) incorporated in 1983, has chosen the Town Meeting form of government. They have 3 Selectmen and 6 Advisors elected by the registered voters of Pinesdale. Business is reported at an annual town meeting of the Town, where the people have the right to approve the budget. The elected officials meet monthly on the third Monday. The Judge and Chief of Police and heads of Fire, Park, and Water Departments and the Town Clerk are appointed by the Chairman of the Selectmen with the approval of the Advisors.

## UNINCORPORATED COMMUNITIES

The unincorporated towns in Ravalli County are Florence, Victor, Corvallis, Grantsdale, Sula, and Conner. Unincorporated towns have no formal structure of government and are under the jurisdiction of the County. Any resident or group of residents may call a public

## EXHIBIT B



LIEBERMAN & WALISKO  
CONSULTING TELECOMMUNICATIONS ENGINEERS  
11403 GILSAN ST.  
SILVER SPRING, MD 20902

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Idaho Broadcasting Consortium, Inc. - Pinesdale, MT

E N G I N E E R I N G   S T A T E M E N T

This Engineering Study is furnished in support of a Petition for Rulemaking looking toward the assignment of FM channel 294 (106.7 mHz) as a Class C1 re-allocation to Pinesdale, Montana as that community's first aural service.

The assignment of channel 294C1 to Pinesdale may be accomplished by moving channel 294C1 assigned to Idaho Broadcasting Consortium (the instant petitioner) under BPH-971023MD at McCall, Idaho to Pinesdale, Montana. It is intention of the Pettitioner to move the McCall, Idaho assignment to Pinesdale, Montana.

The move of channel 294C1 from McCall to Pinesdale will still leave McCall with two FM services, KDZY-FM and KMCL-FM.

In support whereof, the following additional exhibit is submitted

**Figure 1:** An FM channel spacing study showing the channel may be accommodated at the town of Pinesdale, Montana, reference coordinates, NL 46° 10' 07" WL 114° 17' 06". This study was conducted under 47 C.F.R. Section §73.207. As indicated in the study, the change of KBMG-FM from channel 240C3 to channel 242C (BPH-990709II) has eliminated the 54th channel conflict as prohibited in 47 C.F.R. Section §73.207.

**LIEBERMAN & WALISKO**  
**CONSULTING TELECOMMUNICATIONS ENGINEERS**  
11403 GILSAN ST.  
SILVER SPRING, MD 20902

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Idaho Broadcasting Consortium, Inc. - Pinesdale, MT

Figure 1

**FM CHANNEL SPACING STUDY**

Job title: PINESDALE, MT  
Channel: 294C1

Latitude: 46 20 11  
Longitude: 114 13 10

CH	Call	Record	City	ST	Status	Bear.	Dist.	Reqd. Dist.	Result
295A	KMSM-FM	25505	BUTTE	MT	LIC	105.1	133.3	133.0	.3
240C3 <sup>1</sup>	KBAZ	26033	HAMILTON	MT	LIC	185.2	11.9	24.0	-12.1
294C2	971023MD	26723	MCCALL	ID	VACANT	228.2	254.9	224.0	30.9
294C2 <sup>2</sup>	971023MD	26728	MCCALL	ID	CP	225.9	209.6	224.0	-14.4
294A		26798			ADD	322.6	279.7	200.0	
294A		26799	KOOTENAI	ID	VACANT	322.6	279.7	200.0	
295C	KMOK	27222	LEWISTON	ID	LIC	274.6	217.2	209.0	8.2

1. KBAZ-FM received a construction permit (BP-990709II) to move to channel 240C.
2. Under this proposal, channel 294C2 (McCall, ID, BP-971023MD) would move to Pinesdale, MT, eliminating what appears to be a short spaced allocation.

\*\*\*\*\* End of channel 294 study \*\*\*\*\*

**LIEBERMAN & WALISKO**  
*CONSULTING TELECOMMUNICATIONS ENGINEERS*  
11403 GILSAN ST.  
SILVER SPRING, MD 20902

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**DECLARATION**

**MELVYN LIEBERMAN**, declares and certifies as follows:

That he is associated with the firm of **LIEBERMAN & WALISKO, Inc.**;

That this firm has been retained by **Idaho Broadcasting Consortium, Inc.** to prepare this Engineering Statement;

That his qualifications are a matter of record with the Federal Communications Commission;

That he has either prepared or directly supervised the preparation of all technical material contained in this engineering statement and that the facts stated in this report are true of his knowledge and belief except as to such statements as are herein stated to be on information and belief and as to such statements, he believes them to be true.

12/13/00  
Date

Melvyn Lieberman  
Melvyn Lieberman